

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HOWARD F. CARROLL, #1067360

§

VS.

§

CIVIL ACTION NO. 6:15cv569

JOHN RUPERT, ET AL.

§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Howard F. Carroll, a prisoner confined at the Clements Unit within the Texas Department Criminal Justice (TDCJ), proceeding *pro se*, filed this complaint pursuant to 42 U.S.C. § 1983 alleging violations to his constitutional rights. The case was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.


The Court first notes that this case was recently reopened following the Fifth Circuit's adjudication of Plaintiff's second interlocutory appeal in this case. On September 25, 2018, Judge Mitchell issued a Report (Docket No. 280) recommending that Plaintiff Carroll's claims against Defendant Hill be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). Plaintiff has filed timely objections, (Docket No. 300).

The Court has conducted a careful *de novo* review of record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct and Plaintiff's objections are without merit. Accordingly, it is

ORDERED that Plaintiff's objections (Docket No. 300) are overruled and the Report of the Magistrate Judge (Docket No. 280) is **ADOPTED** as the opinion of the District Court. It is also

ORDERED that Plaintiff Carroll's claims against Defendant Hill are **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

So **ORDERED** and **SIGNED** this **26th** day of **October, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE